

**State of California
California Regional Water Quality Control Board, Los Angeles Region**

**RESOLUTION NO. 03-011
August 7, 2003**

**Amendment to the Water Quality Control Plan for the Los Angeles Region to
include a TMDL for Nitrogen Compounds
in the Santa Clara River**

WHEREAS, the California Regional Water Quality Control Board, Los Angeles Region, finds that:

1. The federal Clean Water Act (CWA) requires the California Regional Water Quality Control Board (Regional Board) to develop water quality standards which include beneficial use designations and criteria to protect beneficial uses for each water body found within its region.
2. The Regional Board carries out its CWA responsibilities through California's Porter-Cologne Water Quality Control Act and establishes water quality objectives designed to protect beneficial uses contained in the Water Quality Control Plan for the Los Angeles Region (Basin Plan).
3. Regional Board Resolution No. 2002-011 amended the Basin Plan on April 25, 2002 to update the ammonia objectives for inland surface waters, including the Santa Clara River. The revised ammonia objectives are based on 1991 U.S. Environmental Protection Agency (USEPA) guidance documents.
4. Section 303(d) of the CWA requires states to identify and to prepare a list of water bodies that do not meet water quality standards. The Santa Clara River was listed on California's 202 section 303(d) list, due to impairment for nitrogen compounds.
5. A consent decree between the U.S. Environmental Protection Agency (USEPA), Heal the Bay, Inc., and BayKeeper, Inc. was approved on March 22, 1999. The court order directs the USEPA to complete TMDLs for all the Los Angeles Region's impaired waters within 13 years.
6. The elements of a TMDL are described in 40 CFR sections 130.2 and 130.7 and section 303(d) of the CWA, as well as in USEPA guidance documents (e.g., USEPA, 1991). A TMDL is defined as "the sum of the individual waste load allocations for point sources and load allocations for nonpoint sources and natural background." (40 CFR § 130.2.) Regulations further stipulate that TMDLs must be set at "levels necessary to attain and maintain the applicable narrative and numeric water quality standards with seasonal variations and a margin of safety that takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality." (40 CFR § 130.7(c)(1).) The regulations in 40 CFR section 130.7 also state

August 4, 2003

quality." (40 CFR § 130.7(c)(1).) The regulations in 40 CFR section 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading and water quality parameters.

7. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs along with appropriate implementation measures into the State Water Quality Management Plan. (40 CFR §§ 130.6(c)(1), 130.7.) The Basin Plan, and applicable statewide plans serve as the State Water Quality Management Plans governing the watersheds under the jurisdiction of the Regional Board.
8. The Santa Clara River is located in Los Angeles and Ventura Counties and is the largest river system in the Los Angeles Region that remains in a relatively natural state. It drains from the east beginning in the Transverse Ranges below Soledad Pass through the Santa Clara River and its major tributaries, Castaic, Piru, Hopper, Sespe and Santa Paula Creeks to Pacific Ocean. The proposed TMDL addresses documented water quality impairments by nitrogen compounds.
9. The Regional Board's goal in establishing the above-mentioned TMDL is to maintain the warm freshwater and wildlife habitats (WARM, WILD), groundwater recharge (GWR) and others beneficial uses of Santa Clara River as established in the Basin Plan. Additionally, ammonia is known to cause toxicity to aquatic organisms.
10. Interested persons and the public have had reasonable opportunity to participate in review of the amendment to the Basin Plan. Efforts to solicit public review and comment include more than eighteen public workshops held between February 11, 2002 and June 12, 2003; public notification 45 days preceding the Board hearing; and responses from the Regional Board staff to oral and written comments received from the public.
11. The amendment is consistent with the State Antidegradation Policy (State Board Resolution No. 68-16), in that the changes to water quality objectives (i) consider maximum benefits to the people of the state, (ii) will not unreasonably affect present and anticipated beneficial use of waters, and (iii) will not result in water quality less than that prescribed in policies. Likewise, the amendment is consistent with the federal Antidegradation Policy. (See 40 CFR § 131.12.)
12. The basin planning process has been certified as functionally equivalent to the California Environmental Quality Act requirements for preparing environmental documents and is, therefore, exempt from those requirements (Public Resources Code, Section 21000 et seq.), and the required environmental documentation and CEQA environmental checklist have been prepared.
13. The Regional Board staff conducted a CEQA scoping meeting on June 12, 2003, to allow interested persons to comment on the environmental issues that should be addressed when considering the Basin Plan amendment.

August 7, 2003

14. In developing the Basin Plan amendment, staff considered alternatives to the Basin Plan amendment considered by the Regional Board. Among the alternatives considered were (1) a no action alternative, (2) an implementation program that would be shorter than that prescribed by the Basin Plan amendment, and (3) an implementation program that would be longer than that prescribed by the Basin Plan amendment. Staff also considered alternatives proposed by interested persons. These alternatives are set forth in the administrative record, staff proposal, and the response to comments.
15. The expression of the wasteload allocations as concentrations does not limit the Regional Board's discretion in translating the wasteload allocations into NPDES permit effluent limitations.
16. The proposed amendment results in no potential for adverse effect (de minimis finding), either individually or cumulatively, on wildlife.
17. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b).
18. The Basin Plan amendment incorporating a TMDL for nitrogen compounds for the Santa Clara River must be submitted for review and approval by the State Water Resources Control Board (State Board), the State Office of Administrative Law (OAL), and the US Environmental Protection Agency (USEPA). The Basin Plan amendment will become effective upon approval by OAL and USEPA. A Notice of Decision will be filed.

THEREFORE, be it resolved that pursuant to Section 13240 and 13242 of the Water Code, the Regional Board hereby amends the Basin Plan as follows:

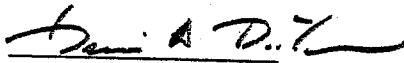
1. Pursuant to sections 13240 and 13242 of the California Water Code, the Regional Board, after considering the entire record, including oral testimony at the hearing, hereby adopts the amendment to Chapter 7 the Water Quality Control Plan for the Los Angeles Region to incorporate the elements of the Santa Clara River Nitrogen Compounds TMDL as set forth in Attachment A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Regional Board requests that the State Board approve the Basin Plan amendment in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward it to OAL and the USEPA.
4. If during its approval process the SWRCB or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Board of any such changes.

August 7, 2003

5. The Executive Officer is authorized to sign a Certificate of Fee Exemption.
6. Amend the text in the Basin Plan, Plans and Policies (Chapter 5) to add:

"Resolution No. 03-011. Adopted [August 7, 2003].
'Amendment to include a TMDL for Nitrogen Compounds for Santa Clara River'
The resolution proposes a TMDL for nitrogen compounds in the Santa Clara River."

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Los Angeles Region, on August 7, 2003.


Dennis A. Dickerson
Executive Officer

August 7, 2003